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Docket: BI9001DIV2CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: RizoIU et al.

Serial No.: 10/624,967

Filed: July 21, 2003


For: METHODS OF USING ATOMIZED
PARTICLES FOR
ELECTROMAGNETICALLY
INDUCED CUTTING

Examiner: Shay, David M.

Group Art Unit: 3739

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile transmitted to:
Commissioner for Patents at fax number (571) 273-8300 on
December 13, 2005.


Kenton R. Mullins, Reg. No. 36,331

TERMINAL DISCLAIMER

Dear Sir:

Your petitioner, BioLase Technology, Inc., a Delaware corporation, by its attorney, KENTON R. MULLINS, of record in the above-identified application, represents that it is the assignee, as shown by the assignment recorded in the U.S. Patent and Trademark Office on August 31, 1995 at Real/Frame 7686/0793 (4 pages), of the entire right, title and interest in and to the above-identified application.

Pursuant to 37 CFR 3.73(b), your petitioner, as assignee of the above-identified application, hereby states that the above-noted assignment, the evidentiary document on which ownership of the above-identified application is established, has been reviewed. Further, your petitioner hereby certifies that, to the best of your petitioner's knowledge and belief, title to the above-identified application is in your petitioner, as assignee seeking to take the action in this Terminal Disclaimer.

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Your petitioner, BioLase Technology, Inc., hereby disclaims the terminal part of claims 53 to 68 of any United States patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 5,968,037 and hereby agrees that said claims of any United States patent so granted on the above-identified application shall be enforceable only for and during such period that they are commonly owned with U.S. Patent No. 5,968,037, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any claims granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 5,968,037 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of common ownership stated above.

Dated this 13th day of December, 2005.

Respectfully submitted,



Kenton R. Mullins
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